Supreme Court, U.S.
FILED
JUN 27 1990
JOSEPH F. SPANIOL, JR.
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NO. 89-1896

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

AVONDALE SHIPYARDS, INC.
Petitioner

VERSUS

CHESTER J. ORGERON, JR. and
his wife, CONNIE E. LYNN CAMUS ORGERON
Respondents

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE
STATE OF LOUISIANA

SUPPLEMENTAL BRIEF OF PETITIONER

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MAY IT PLEASE THE COURT:

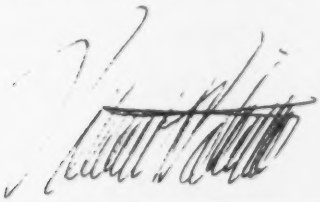
Petitioner Avondale Shipyards, Inc. submits this supplemental brief pursuant to Supreme Court Rule 15.7, in order to call this Court's attention to an intervening matter not available at the time of the filing of its original petition. Subsequent to the filing of its petition for writ of certiorari on June 6, 1990, Avondale Shipyards, Inc. learned that this Honorable Court granted certiorari on June 18, 1990, in McDermott International, Inc. v Jon C. Wilander, No. 89-1474.

In No. 89-1474, this Honorable Court will review the conflicting tests for seaman status developed by the circuits for purposes of Jones Act and general maritime law considerations. The present matter, No. 89-1896, seeks review of the conflict between the Louisiana Supreme Court and the federal courts as to the proper test that is to be applied to decide vessel status under general maritime law.

Vessel status under general maritime law is a part of the test for seaman status because a worker must qualify as a crewmember of a vessel to attain seaman status. As shown in Avondale Shipyards, Inc.'s petition, the general maritime law test for vessel status applies to seamen's claims as well as to general maritime law negligence claims such as the instant matter. Petitioner Avondale Shipyards, Inc. respectfully submits that it would be beneficial and logical for this Honorable

Court to grant certiorari in the present matter, No. 89-1896, and consolidate this case with No. 89-1474, so that the important questions of "vessel status" and "seaman status" can be resolved in a consistent and complementary manner.

Respectfully submitted,



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